

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 50

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
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Filed: January 13, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Richard E. Schafer)

EARL E.A. **LUND**, ROBERT C. PARKER
and IAN R. SHANKLAND
Junior party,
Application 10/371,428

v.

JOACHIM **WERNER**, SCOTT A. KANE,
CHARLES E. MORTIMER, HERMAN P. DOERGE
and ERIC R. BOONSTRA
Senior party,
U.S. Patent 5,562,857

Patent Interference No. 105,247 (RES)

Before: SCHAFER, TORCZON and LANE, Administrative Patent Judges.
SCHAFER, Administrative Patent Judge.

Judgment - Request for Adverse - Bd.R. 127(b)

Werner has requested and agreed to entry of adverse judgment with respect to the subject
matter of the Count. Paper 49.

Accordingly , it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 5), is awarded against the senior party, JOACHIM WERNER, SCOTT A. KANE, CHARLES E. MORTIMER, HERMAN P. DOERGE and ERIC R. BOONSTRA;

FURTHER ORDERED that senior party, JOACHIM WERNER, SCOTT A. KANE, CHARLES E. MORTIMER, HERMAN P. DOERGE and ERIC R. BOONSTRA, is not entitled to a patent containing claims 1-7 (corresponding to Count 1) of U.S. Patent 5,562,857;

FURTHER ORDERED that a copy of this judgment be made of record in the file of U.S. Patent 5,562,857 and 10/371,428;

FURTHER ORDERED that if there is any settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

<u>/Richard E. Schafer/</u>)
RICHARD E. SCHAFER)
Administrative Patent Judge)
)
<u>/Richard Torczon/</u>) BOARD OF PATENT
RICHARD TORCZON) APPEALS AND
Administrative Patent Judge) INTERFERENCES
)
<u>/Sally Lane/</u>)
SALLY LANE)
Administrative Patent Judge)

cc (via FAX):

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